

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION**

JORDAN CARTER

CIVIL ACTION NO. 16-0370

VERSUS

JUDGE S. MAURICE HICKS, JR.

SWIFTSHIPS, L.L.C.

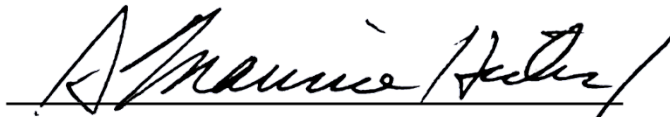
MAGISTRATE JUDGE WHITEHURST

ORDER

The Court having considered the Plaintiff's Motion for Reconsideration (Record Document 36);

IT IS ORDERED that the Motion is **DENIED**. Sur-replies are not permitted by this Court as a matter of course and the Court notes the absence of good cause shown by Carter. Alternatively, the arguments raised by the Defendant in its Reply brief are not waived. It is well established at the Court of Appeals that "[a]rguments raised for the first time in a reply brief are generally waived. First Cmty. Bank v. Commonwealth Land Title Ins. Co., No. 3:13-CV-00699-BAJ-RL, 2014 WL 4720153, at *8 (M.D. La. Sept. 22, 2014) (citing Jones v. Cain, 600 F.3d 527, 541 (5th Cir. 2010)). It is another matter whether this rule applies with equal weight at the District Court. Id. at *8. Further, even at the Court of Appeals, this rule is far from jurisdictional, and the Fifth and others have recognized a court's discretion to overlook a party's failure to raise an issue, and to undertake a *sua sponte* analysis. Id. at *8 (citing Jones, 600 F.3d 541 & n. 12). The Court finds that the arguments raised by the Defendant in its Reply are not arguments raised for the first time. Accordingly, the Plaintiff's alternative argument is rejected by the Court.

THUS DONE AND SIGNED, at Shreveport, Louisiana, this 19th day of January, 2018.


S. MAURICE HICKS, JR., CHIEF JUDGE
UNITED STATES DISTRICT COURT